

Central Intelligence Agency



Washington, D.C. 20505

10 September 1977

The Honorable Walter D. Huddleston, Chairman
Subcommittee on Charters and Guidelines
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

My apologies for taking so long to respond to your letter of July 21st (R#9090) with its questions on the importance to the Central Intelligence Agency of retaining section 102(c) of the National Security Act of 1947, which authorizes termination of Agency employees "in the interests of the United States" notwithstanding the provisions of other law. As I mentioned to you briefly orally, I believe that this particular provision of law is an essential ingredient maintaining both a secure and effective intelligence service for our country.

The sensitivity and the delicacy of the activities legally and properly performed by the Agency for our Government simply demand that we must have the utmost confidence in those individuals to whom we delegate the authorities for carrying out various of these activities. We cannot, in many instances, afford to determine by trial and error whether a man can be trusted to perform in accordance with legality and the standards of propriety which have been established for him by his superiors. If there is any doubt in our minds as to the total reliability of one of our officers on such sensitive assignments, we simply must forego the execution of that assignment. Put in another way, I simply cannot come to the Senate Select Committee on Intelligence and other oversight bodies and give assurance of the Central Intelligence Agency's performing in the way the Congress and the President have directed if I lack confidence in those to whom I must entrust the execution of our programs.

Enclosed are the statistics you asked for on the use of this authority over the past 15 years. Unfortunately, this Agency does not maintain statistics on those employees terminated under section 102(c) who were later declared eligible for U.S. Government employment by the U.S. Civil Service Commission, as the responsibility for obtaining Civil Service eligibility rests with the employee. Please note, however,

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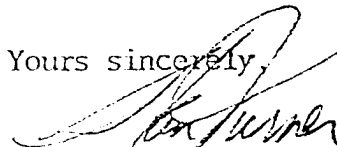
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that although this authority has been used sparingly in the past, the existence of such authority has been very instrumental in the management of our personnel. In the seven months I have held this office, I have personally given the option to four employees of resignation/retirement or involuntary termination under the provisions of section 102(c). In two of these instances, the individuals had mixed their official business at the Agency with the conduct of favors for friends who were former members of the Agency. In so doing, they placed the Agency and the U.S. Government in a position of apparent involvement in activities with which we neither had nor desired any part. The other two employees had each specifically failed to carry out orders of their superiors in the field. It was my opinion that if we cannot count on subordinates carrying out their orders and being truthful to us about what they are doing, the operations arm of our Agency will soon be out of control. All four of these individuals elected to resign/retire. I do not believe that they could have been induced to do so under the normal Civil Service regulations for separation, or at least not for an extended period of time. I would further add that perhaps the greatest benefit to the Agency in these four cases was the message it transmitted of our policy with respect to these types of activities. In short, limited functioning of the authority under section 102(c) can be a powerful yeast in the meal.

It is, of course, equally important that our employees be protected against arbitrariness on the part of any Director in the execution of this authority. ~~Speaking~~ from a position of prejudice, I can only say that I believe the oversight procedures now extant are adequate to inhibit or at the least uncover such arbitrariness if it existed. Not the least of these is the existence of the Intelligence Oversight Board to which any aggrieved employee may appeal. Beyond that, the existence of both the Senate Select Committee and the House Permanent Select Committee on Intelligence serves much the same function. Finally, I can only say that I have personally agonized over the four decisions I mentioned to you. I do not believe that any Director could do less in the face of the responsibilities involved.

I would be most happy to discuss this matter with you or your Subcommittee in person or to provide further information if this would be of assistance.

Yours sincerely,



STANSFIELD TURNER

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